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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,404	04/10/2006	Mark Alan Graham	7175-74604	9358
23643 7590 08/07/2008 BARNES & THORNBURG LLP 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			EXAMINER BAXTER, GWENDOLYN WRENN	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 08/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,404	<b>Applicant(s)</b> GRAHAM ET AL.	
	<b>Examiner</b> Gwendolyn Baxter	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/10/06 8/28/06, 08/30/06, 7/31/08</u> . | 6) <input type="checkbox"/> Other: ____.  |



This is the first Office action for application serial number 10/575,404, Patient Care Equipment Support System, filed April 10, 2006.

***Information Disclosure Statement***

The information disclosure statement filed April 10, 2006; August 28, 2006; and August 30, 2006 and the information referred to therein has been considered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,678,267 to Kinder. The present invention reads on Kinder as follows: Kinder teaches an apparatus comprising a rail (12), carriage (14), and lock (16). The rail is configured to be coupled to a support structure (not numbered). The rail has a plurality of locking portions (32) spaced there along. The carriage is coupled to the rail for movement along the rail. The carriage is configured to support the patient care equipment rack. The lock is coupled to the carriage and movable between a locking position where a portion of the lock engages a selected one of the locking portions to block the carriage from moving along the rail and an unlocking position where the portion of the lock disengages from the selected one of the locking portions to

allow the carriage to move along the rail. The support structure comprises one of a hospital bed, a stretcher, a surgery table, an ambulatory care chair, a stand, a service column, a cart, a wall in a hospital room and a headwall. The patient care equipment rack comprises one of an IV pole and a rack (18) adapted to carry infusion equipment. The locking portions in the rail comprise lock-receiving spaces (32). The lock comprises a pin (30) configured for reception in a selected one of lock-receiving spaces in the rail. The pin is biased toward the locking position by a spring (36). The pin comprises a pull knob (38). The frame has a first end, a second end, a first side, a second side, and the rail extends substantially along one of the first end, the second end, the first side or the second side between the two comers.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 9-11, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03-151971 to Katsuyoski in view of Kinder, 5,678,267.

Katsuyoski teaches an apparatus comprising a rail (3), a carriage (5) and a lock (14, 15). The rail is configured to be coupled to a support structure (1). The rail has a plurality of locking portions spaced there along. The carriage is coupled to the rail for movement along the rail. The carriage is configured to support the patient care

equipment rack (11b). The lock is coupled to the carriage and movable between a locking position and an unlocking position. The carriage comprises an upwardly opening socket (13). The patient care equipment rack (11b) comprises a downwardly extending post (not numbered) configured for reception in the socket. The carriage comprises a roller (8) rollably engaging the rail. However, Katsuyoski fails to teach the lock engaging a selected one of the locking portions; and a rail having a raised track portion.

Kinder teaches an apparatus comprising a rail (12), carriage (14) and lock (38). The rail is configured to be coupled to a support structure. The rail has a plurality of locking portions (31, 32) spaced there along. The carriage is coupled to the rail for movement along the rail. The lock is coupled to the carriage and movable between a locking position where a portion of the lock engages a selected one of the locking portions to block the carriage from moving along the rail and an unlocking position where the portion of the lock disengages from the selected one of the locking portions to allow the carriage to move along the rail. The rail comprises a raised track portion (22) for guiding the carriage along the rail. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the rail as taught by Katsuyoski to have incorporated the locking portions and raised track portion as taught by Kinder for the purpose of changing and locking the position along the rail and providing an alternate surface for providing lateral motion.

Regarding claim 11, it would have been an obvious matter of design choice to have made the raised track portion an inverted v-shaped cross section, since such a

modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art.

Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyoski in view of Kinder as applied to claims 1, 7, 9-11, 13 and 15 above, and further in view of U.S. Patent No. 267,444 to Montgomery. Katsuyoski in view of Kinder teaches the limitations of the base claim, excluding the tapered socket.

Montgomery teaches the connection of a post to a socket, wherein the end of the post is tapered and the interior surface of the socket is tapered to compliment the end portion of the post. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the socket and end portion of the post as taught by Katsuyoski in view of Kinder to have incorporated the tapered end post and complimentary socket as taught by Montgomery for the purpose of aligning and receiving complementary part for engagement.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyoski in view of Kinder as applied to claims 1, 7, 9-11, 13 and 15 above, and further in view of U.S. Patent No. 1,868,304 to Cargill. Katsuyoski in view of Kinder teaches the limitations of the base claim, excluding the raised track portion and a roller has a circumferential groove.

Cargill teaches a rail (3) having a raised track portion, and a carriage (9). A roller (10) has a circumferential groove which rides along the raised track portion. It would have been obvious to one having ordinary skill in the art at the time the invention was

made to modified the track and roller as taught by Katsuyoski in view of Kinder to have incorporate the raised portion of the track and roller as taught by Cargill as a mere substitution of functionally equivalent part for the purpose of the roller bearing upon the upper edge of the rail so that carriage would depend therefrom.

Claims 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,802,636 to Corbin in view of JP 3-151971 to Katsuyoski. Corbin teaches a patient support comprising a lower frame (12), an upper frame (14) and rail (26). The upper frame is supported above the lower frame and movable relative to the lower frame between a raised position and a lowered position. The upper frame has a first end, a second end, a first side, a second side and four comers. The rail is coupled to the upper frame. The rail extends substantially along one of the first end, the second end, the first side and the second side of the upper frame between two of the four comers. A deck (16) is supported above the upper frame, wherein the upper frame includes a frame member configured to extend horizontally beyond the periphery of deck between the two comers of the upper frame and the rail is coupled to the frame member. However, Corbin fails to teach a carriage.

Katsuyoski teaches an apparatus comprising a rail (3), a carriage (5) and a lock (14, 15). The rail is configured to be coupled to a support structure (1). The rail has a plurality of locking portions spaced there along. The carriage is coupled to the rail for movement along the rail. The carriage is configured to support the patient care equipment rack (11b). The lock is coupled to the carriage and movable between a locking position and an unlocking position. The carriage comprises an upwardly

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opening socket (13). The patient care equipment rack (11b) comprises a downwardly extending post (not numbered) configured for reception in the socket. The carriage comprises a roller (8) rollably engaging the rail. However, Katsuyoski fails to teach the lock engaging a selected one of the locking portions; and a rail having a raised track portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the patient support as taught by Corbin to have incorporated the carriage, rail and lock as taught by Katsuyoski for the purpose of transporting, raising and lowering the patient care equipment as needed.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corbin in view of Katsuyoski and further in view of U.S. Patent No. 267,444 to Montgomery. Corbin in view of Katsuyoski teaches the limitations of the base claim, excluding the tapered socket.

Montgomery teaches the connection of a post to a socket, wherein the end of the post is tapered and the interior surface of the socket is tapered to compliment the end portion of the post. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the socket and end portion of the post as taught by Corbin in view of Katsuyoski to have incorporated the tapered end post and complimentary socket as taught by Montgomery for the purpose of aligning and receiving complementary part for engagement.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rabska 7,150,058 and Hansen 5,499,721 teach a patent support.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Tuesday-Thursday, 8:30am -3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gwendolyn Baxter/  
Primary Examiner, Art Unit 3632  
July 31, 2008

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